

CHAPTER 4-07-03 CLASSIFICATION PLAN

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4-07-03-01. Scope of chapter. This chapter applies to all state and local government agencies, departments, institutions, and boards and commissions that employ individuals in positions classified by human resource management services.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.

General Authority: NDCC 54-44.3-12, 54-44.3-20

Law Implemented: NDCC 54-44.3-12(1)

4-07-03-02. Definitions. The terms used throughout this chapter have the same meaning as in North Dakota Century Code chapter 54-44.3, except "classification plan" means the listing of all the classes that have been established, the descriptions for those classes, and the process and procedures developed to maintain the plan.

History: Effective September 1, 1992; amended effective July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-03-03. Official class title. The official class title must be used to designate positions or employees when entering such information on payroll and personnel records, or in other communications related to human resource

administration processes. However, any suitable or common title to designate persons or positions may be used when communicating externally, or when the purpose of the communication is not related to human resource administration.

History: Effective September 1, 1992; amended effective July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-03-04. Interpretation of class descriptions. Class descriptions represent the duties and conditions typical of the class. Neither an appointing authority nor an employee may interpret class descriptions as restrictive, except for the specified minimum qualification requirements. The inclusion of particular phrases in the descriptions that list the duties performed may not be interpreted to exclude other duties of a similar kind and quality. An appointing authority may, at any time, require an employee to perform any of the duties that are in the class descriptions or any other appropriate duties.

History: Effective September 1, 1992; amended effective July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-03-05. Classification or reclassification request. A request to have a position reviewed for classification or reclassification must be submitted by the appointing authority to human resource management services for review, if at least one of the following reasons apply:

1. A new position has been authorized.
2. A significant amount of responsibilities are newly assigned, reassigned, or changed for a position.
3. A position has not been reviewed for at least three years and different duties and responsibilities have been assigned to the position.
4. A position is classified in a class or class series that has been revised and the duties and responsibilities assigned to the position are no longer appropriate to the assigned class or class series.
5. A position is vacant, has not been reviewed for at least seven years, and will be filled.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-03-06. Information and forms required. A classification or reclassification request must include all information specified by human resource

management services. The request must be submitted on the form specified by the division.

History: Effective September 1, 1992; amended effective July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-03-06.1. Certain classification decisions may be delegated.

Human resource management services may delegate to an agency the responsibility for decisions on certain position classification assignments. Decisions are limited to those classes as specified by the division.

History: Effective November 1, 1996; amended effective July 1, 2004.

General Authority: NDCC 54-44.3-12(1)

Law Implemented: NDCC 54-44.3-12

4-07-03-07. An employee may request a review. An employee may request that an appointing authority submit the employee's position to human resource management services for review if the employee demonstrates that one of the reasons in section 4-07-03-05 applies to the employee's position.

History: Effective September 1, 1992; amended effective July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-03-08. An appointing authority shall consider an employee's request. An appointing authority shall consider an employee's request to submit the employee's position to human resource management services for review. The appointing authority shall, within sixty calendar days, determine if any of the reasons in section 4-07-03-05 apply. If any of the reasons apply, the appointing authority shall submit the request to human resource management services for review. If none of the reasons apply, the appointing authority shall respond to the employee.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-03-09. A request for a classification review must be submitted for all positions affected by a reassignment. Superseded by subsection 2 of section 4-07-03-05 effective November 1, 1996.

4-07-03-09.1. Human resource management services may initiate a classification review. If human resource management services becomes aware

of a potentially inappropriate classification assignment, the division may initiate a classification review and request updated documentation of the position.

History: Effective November 1, 1996; amended effective July 1, 2004.

General Authority: NDCC 54-44.3-12(1)

Law Implemented: NDCC 54-44.3-12

4-07-03-10. Human resource management services shall notify the appointing authority and employee. Within sixty calendar days of receiving a request to review a position, human resource management services shall notify in writing the agency appointing authority and the employee of the division's decision and the right to request reconsideration. The human resource management services director may extend the timeframe if:

1. The request requires creating a new or revising an existing class description; or
2. The division is required to obtain additional information in order to properly process the request.

In cases of extended timeframes, human resource management services will notify the appointing authority.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-03-10.1. Effective date of classification assignment. The effective date of a classification assignment is the date specified by the appointing authority.

History: Effective November 1, 1996.

General Authority: NDCC 54-44.3-12(1)

Law Implemented: NDCC 54-44.3-12(1)

4-07-03-10.2. Employee in a reclassified position shall meet minimum qualifications. When reclassification of a position is requested, the appointing authority shall ensure that the position incumbent meets the minimum qualifications for the position's new classification. If the employee does not meet the minimum qualifications, the appointing authority shall do one of the following:

1. Assist the employee in attaining the necessary education, training, or experience to meet the qualifications. The employee must meet the qualifications within one year from the effective date of the reclassification.
2. Reassign the employee to a position for which the employee qualifies.

3. Restructure the duties and responsibilities of the reclassified position to return it to a classification for which the employee qualifies.
4. Request review of the class.
5. Take other action to ensure compliance with the minimum qualifications.

History: Effective November 1, 1996.

General Authority: NDCC 54-44.3-12(1)

Law Implemented: NDCC 54-44.3-12(1)

4-07-03-11. Request for reconsideration of classification decision.

An appointing authority or an employee may request reconsideration of a classification assigned to a position by submitting a written notice to human resource management services within fifteen working days from the date the initial classification decision was mailed by human resource management services. The request for reconsideration must state the specific issue and reasons for the request and the desired outcome. Human resource management services shall review the information contained in the request and provide a decision in writing to the parties within sixty calendar days from the date the request for reconsideration was received by the division.

History: Effective May 1, 1994; amended effective November 1, 1996; July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-03-12. Grandfathering.

When a current employee affected by a class or class series review does not meet new or revised qualifications as stated on the class description, the employee may be grandfathered into that employee's current position at the appropriate job class level without loss of pay or status. The employee must meet minimum qualifications as stated on the class descriptions of subsequent position reclassification actions in accordance with section 4-07-03-10.2.

History: Effective July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)